

REMARKS

Claims 1-3, 5-11, 14, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lueders (US 6,067,074) in view of Ostergard (US 6,704,004). The examiner is requested to reconsider this rejection.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 1 claims a "keypad comprising ... a set of mechanical key elements arranged in a plane wherein each mechanical key element has a fixed position in the plane relative to the fixed positions of each other mechanical key element ... wherein each mechanical key element comprises a separate outer pad for actuation by a user ... and a flexible display, extending beneath the set of mechanical key elements and over the set of switches". Support for this claim amendment may be found at page 6 lines 4-11 and page 8, second paragraph, of the description and Fig. 2.

Lueders discloses a touch pad device in which a flexible display overlies a printed circuit board comprising a plurality of switches. In order to actuate a switch the user makes direct contact with the display. As a result of this the display flexes to actuate a switch concealed beneath the display. The purpose of Lueders appears to be to provide an indication of the current functions associated with those ones of the concealed switches which are used in the current application. Lueders fails to disclose a fixed array of

travelling key elements with separate outer pads, a set of switches and a continuous flexible display which extends under all the key elements, the display being located between the key elements and the switches, which are features of applicants' claimed invention.

Lueders fails to teach or suggest an array of travelling key elements with separate outer pads arranged on a plane, wherein each key element has a fixed position in the plane relative to the fixed positions of each other key element, as claimed in amended claim 1.

Ostergard discloses a key mat having a plurality of emissive keypads. The key mat comprises an outer flexible transparent layer, an underlying masking layer providing a legend and a number of light emitting sources. The outer transparent layer has a plurality of recesses for forming the keypads. Each light emitting source underlies a keypad. When a keypad is pushed by a user the outer flexible transparent layer flexes and a switch is actuated. The light emitting sources, however, do not flex. Ostergard fails to disclose a fixed array of travelling key elements with separate outer pads, a set of switches and a continuous flexible display which extends under all the key elements, the display being located between the key elements and the switches, which are features of applicants' claimed invention.

Ostergard fails to teach or suggest a continuous flexible display, extending beneath all of the key elements and over the set of switches, as claimed in amended claim 1. In

Ostergard, light is emitted by a light emitting source which is not flexible.

It appears that the examiner has combined features from Lueders and Ostergard which the skilled person would not have been motivated to combine. Applicants submit that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application). In particular, the prior art teaches the use of a continuous flexible display only with a touch screen and **not with travelling keys**.

Additionally, applicants' claimed invention provides several advantages over the prior art. Lueders and Ostergard disclose devices in which the user interface comprises a touchpad rather than independently movable keys as claimed by applicants' claimed invention. Applicants' claimed invention provides an enhanced user experience as the outer pads with which the user makes contact are completely distinct from one another and provides dynamic labelling of the keys using the continuous flexible display which underlies the keys.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (see MPEP 2143.01, page 2100-98, column 1). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (see

MPEP 2143.01, page 2100-98, column 2). A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is **not sufficient** to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. (see MPEP 2143.01, page 2100-99, column 1) Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). >See also Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.)

In the present case, there is no teaching, suggestion, or motivation, found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to provide a keypad comprising ... a set of mechanical key elements arranged in a plane wherein each mechanical key element has a fixed position in the plane relative to the fixed positions of each other mechanical key element ... wherein each mechanical key element comprises a separate outer pad for actuation by a user ... and a flexible display, extending beneath the set of mechanical key elements and over the set of switches as claimed in amended claim 1. The features of claim 1 are not disclosed or suggested in the art of record. Therefore, claim 1 is patentable and should be allowed.

Claim 2 has been canceled without prejudice.

Though dependent claims 3, 5-11, 14, and 15 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 1. However, to expedite prosecution at this time, no further comment will be made.

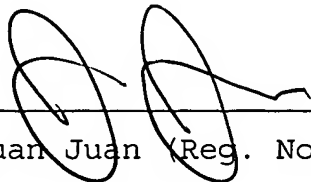
Claims 16-18 were previously added (previously presented as 'New' claims in the non-entered Amendment filed on March 10, 2008) to further claim the features recited therein.

Claims 19 and 20 have been added above to further claim a transreflective and transmissive display device. Support for these claims may be found at page 10 lines 4-6 of the description.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. If there are any additional charges with respect to this Amendment or otherwise, please charge deposit account 50-1924 for any fee deficiency. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Appl. No.: 10/541,085
Reply to Office Action of: 05/01/2008

Respectfully submitted,



Juan Juan (Reg. No. 60,564)

6/2/08

Date

Customer No.: 29683
Harrington & Smith, PC
4 Research Drive
Shelton, CT 06484-6212
203-925-9400

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date shown below in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

6.2.2008

Date



Name of Person Making Deposit